

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

**JENNIFER PIGGOTT and
SLADE PIGGOTT,**

Plaintiffs,

v.

GRAY CONSTRUCTION, INC.,

Defendant.

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Case No.: CV-06-1158

GRAY CONSTRUCTION, INC.'S RESPONSE TO SHOW CAUSE ORDER

Defendant Gray Construction, Inc. ("Gray") respectfully submits this Response to the Court's Show Cause Order of May 8, 2007. In support of this Response, Gray states as follows:

1. Plaintiffs Jennifer and Slade Piggott ("Mr. and Mrs. Piggott") have filed a Complaint in the United States District Court for the Middle District of Alabama alleging injuries resulting from the collapse of the office roof at the Hwashin facility in Greenville, Alabama.

2. Cooper Steel Fabricators ("Cooper Steel") was responsible for the fabrication and installation of girders and joists supporting the office roof at the Hwashin facility in Greenville, Alabama.

3. On April 25, 2007 Gray issued a Rule 45 Nonparty Subpoena from the United States District Court from the Middle District of Alabama to Cooper Steel requesting various documents related to its work at the Hwashin facility in Greenville, Alabama. The subpoena

admittedly should have been issued by the Middle District of Tennessee where Cooper Steel is principally located.

4. On May 7, 2007, Cooper Steel filed a Motion to Quash Gray's Subpoena. In its Motion to Quash, Cooper Steel argues that the United States District Court for the Northern District of Alabama is improper because it requires Cooper Steel to produce documents more than 100 miles from its principal place of business and that the United States District Court for the Middle District of Alabama lacks jurisdiction to the subpoenaed documents from Cooper Steel.

5. Gray has issued a second subpoena to Cooper Steel originating from the United States District Court for the Middle District of Tennessee. (A true and correct copy of Subpoena is attached to this Response as Exhibit A).

6. Gray has sent correspondence to counsel for Cooper Steel withdrawing the original subpoena originating from the United States District Court for the Middle District of Alabama.

7. Gray's subsequent subpoena is issued from the Federal District in which Cooper Steel is located and requests the documents be made available at Cooper Steel's place of business. Cooper Steel's objections are therefore moot.

WHEREFORE, Gray respectfully requests this Court enter an Order mootng the Motion to Quash.

DATED this the 11th day of May, 2007.

By: 

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed and served upon the following on this the 11th day of May, 2007:

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